



Environmental News

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For more information, call:

Ed Hathaway, EPA Project Manager, 617/573-5782

Donald Robisky, Project Manager, Vermont ANR 802/241-3888

Sarah White, EPA Community Relations Coordinator, 617/565-9260

Superfund Records Center

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Agreement Reached on Bennington Landfill Superfund Site, Public Comment Invited

BOSTON-- The Environmental Protection Agency, United States Department of Justice, and State of Vermont have reached agreement with 19 parties (including the Town of Bennington and 18 other parties) to construct a multi-layered cap and wastewater collection system at the Bennington Municipal Landfill in Bennington, Vt.

The settlement with the parties is for approximately \$8 million and is known formally as a consent decree (CD). The CD will result in the construction of a landfill cap, leachate collection and treatment system, groundwater diversion trench and the excavation of soils and sediments contaminated by polychlorinated biphenyls (PCBs). The settling parties will also perform the long-term operation and maintenance of the completed cleanup.

"This settlement culminates two years of hard work and commitment by the settling parties, the State of Vermont and Federal Agencies to clean up the site," said John P. DeVillars, administrator for EPA-New England, "This agreement puts into practice EPA's administrative reforms that promote fairer settlements, protect small parties and allow the cleanup of Superfund sites to move forward."

Contractors for the settling parties expect to complete the design of the cap and leachate collection system in August, with construction activities for the leachate collection system and diversion trench scheduled to begin shortly thereafter. The EPA will hold a public information meeting in August to provide additional detail regarding the upcoming construction activities. In spring 1998, the contractors will begin constructing the multi-barrier cap, as well as the consolidation of contaminated soils and sediments within the existing landfill.

Negotiations for this settlement between the EPA, DOJ, the State of Vermont and the potentially responsible parties began in July 1995 and continued through May 1997. The final agreement incorporates several Superfund reforms including one that encourages small parties to settle for a specific dollar amount. The agreement also incorporates the "orphan share" reform, which allows for the government to forgive costs and perform work to account for the liability of bankrupt and/or defunct responsible parties.

(more)

The Department of Justice is accepting public comment on the settlement over a 30-day period, which began July 3 and will continue until August 4. Comments may be submitted within 30 days of this publication to:

Assistant Attorney General
for the Environment and Natural Resource Division
Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, DC 20044

Comments should use this reference: United States and State of Vermont v. Town of Bennington, et al, DOJ Ref No. 90-11-3-868A.

The proposed consent decree may be reviewed at Office of the United States Attorney, 11 Elmwood Avenue, Burlington, Vt. A copy may be obtained by mail from the Consent Decree Library, 1120 G Street, Fourth Floor, N.W. Washington, D.C 20005. In requesting a copy refer to the above-referenced case and include a check in the amount of \$40.75 payable to the Consent Decree Library.

A copy of the administrative record for the settlement and other site documents are available at the Bennington Public Library.

Site History:

The Bennington Landfill Superfund Site is a 15 acre municipal landfill that operated from 1969 to 1987 accepting large quantities of industrial waste, including solvents and PCBs. Most of the liquid industrial waste disposal was discontinued in 1975. In 1976 the town constructed a drainage system to dewater the waste portions of the landfill, with the wastewater being discharged into Hewett Brook.

The EPA designated the landfill a Superfund site in 1989, and the following year the Town of Bennington installed a solid waste landfill cover on the landfill. In 1991, the EPA entered into an administrative order on consent with 12 potentially responsible parties to perform the remedial investigation and feasibility study of the site. In 1994, the EPA issued a separate order that required the installation of a new cap, leachate collection system, diversion of up gradient groundwater and excavation of contaminated soils and sediments.

Settling parties at the Bennington Landfill Superfund Site:

Add, Inc.
Bennington College
Bijur Lubricating Co.
Central Vermont Public Service Co.
Chemfab Corporation
CLR Corporation
Courtaulds Structural Composites, Inc.
Eveready Battery, Inc.,
G-C-D-C, Inc. (Bennington Iron Works, Inc.)
H.M. Tuttle Co.
Johnson Controls, Inc.
MSCO/Schmelzer Corporation
Southwestern Vermont Medical Center
Textron, Inc.
Town of Bennington, Vermont
Triangle Wire and Cable, Inc.
U.S. Tsubaki, Inc.
Vermont Agency of Transportation
Vermont Bag and Film, Inc.